

AN ORDINANCE BY

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE, ON BEHALF OF THE CITY, TO ENTER INTO AGREEMENTS WITH PERSONS OR COMPANIES WISHING TO VEND FOR THE 2004, 2005, AND 2006 ATLANTA JAZZ FESTIVAL AND MONTREUX ATLANTA MUSIC FESTIVAL, AND THAT ALL JAZZ FESTIVAL VENDING FEES BE DEPOSITED INTO THE JAZZ FESTIVAL TRUST FUND ACCOUNT, FUND CENTER NO. 3P02 464101 N41S0201QNA0, AND THAT ALL MONTREUX FESTIVAL VENDING FEES BE DEPOSITED INTO THE MONTREUX FESTIVAL TRUST FUND ACCOUNT, FUND ACCOUNT CENTER NO. 3P02 464101 N41S020QNA0; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") produces two music festivals each year for the benefit of its citizens, the Atlanta Jazz Festival ("Jazz Festival") and the Montreux Atlanta Music Festival ("Montreux Festival") (collectively, the "Festivals");

WHEREAS, the Jazz Festival is held throughout the month of May, and includes approximately one hundred free events and approximately five events for which an admission price is charged; and

WHEREAS, the Montreux Festival is held for up to five consecutive days, including the Labor Day weekend, and includes approximately ten free events and fifteen events for which an admission price is charged; and

WHEREAS, as the producer of the Festivals, the City must negotiate contracts with each of the performers and each of the sponsors and vendors; and

WHEREAS, one way that the City pays for the Festivals is through the collection of vending fees. Numerous vendors request the ability to sell and/or advertise their goods at these Festivals, including vendors selling merchandise, and vendors selling food and drinks. The City charges these vendors for the privilege of vending at the Festivals, and the charge is based on the market rate for the right to vend, whether the vendor is selling goods or advertising goods, whether the goods being sold are edible, the cost of the goods being sold, and the size of the space being provided to the vendor; and

WHEREAS, because the City allows for an unlimited number of vendors for the Festivals, and because these arrangements are made within a relatively close time proximity to the Festivals, the City does not have time to select and contract with Festivals' vendors in the fashion set forth in the Procurement Code, and there is no benefit to the City from following the Procurement Code guidelines; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1. The Mayor or her designee, on behalf of the City, is authorized to enter agreements with persons or companies wishing to vend at the 2004, 2005, and/or 2006 Jazz Festival and/or the 2004, 2005, and/or 2006 Montreux Festival ("Vendor Agreements"). The Vending Agreements shall indicate, at a minimum, the type of product that the vendor will be selling or advertising, the dates and times during which the vending shall be permitted, the location of the vending, the size of the vending area that will be provided by the City, and the vending fee to be paid by the vendor. All vending fees quoted in the Vending Agreements shall be for a vending booth at either of the two Festivals during the three-day Memorial Day or Labor Day weekend, as applicable. These vending fees shall be in the following ranges: the fee for vending merchandise shall be between \$300 through \$2,000; the fee for vending food and/or drinks shall be between \$750 through \$5,000; and the fee for persons or companies wishing to advertise a particular product at a vending booth shall be between \$5,000 through \$15,000. The Commissioner or her designee shall develop a schedule of criteria by which the exact vending prices shall be determined and applied consistently.

Section 2. All Jazz Festival vending fees shall be deposited into the Jazz Festival Trust Fund Account, Fund Account Center No. 3P02 464101 N41S0201QNA0, and shall be used to pay for Jazz Festival costs only. All Montreux Festival vending fees shall be deposited into the Montreux Festival Trust Fund Account, Fund Account Center No. 3P02 464101 N41S0202QNA0, and shall be used to pay for Montreux Festival costs only.

Section 3. All ordinances in conflict herewith are hereby repealed for purposes of this Ordinance only, and only to the extent of the conflict.